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09/884,489	06/18/2001	Michael Aaron Kaply	AUS920010407US1	4140

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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/884,489
Filing Date: June 18, 2001
Appellant(s): KAPLY ET AL.

Peter B. Manzo
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/21/2005 appealing from the Office action mailed

4/29/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

Claims 11-15, 21, 34-38, and 44 have not been included in the appeal, therefore the rejection of these claims should be sustained by the Board of Patent Appeals and Interferences as stated in MPEP 1205.02.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Surf Smart! (published Oct. 18, 2000)

[http://web.archive.org/web/20001018074520/http://cexx.org/gofaster.html]

HistoryKill (published Mar. 4, 2000)

[http://web.archive.org/web/20000304120647/http://www.historykill.com]

5,155,850   JANIS et al.   10-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8-10, 20, 24-28, 31-33, and 43 rejected under 35 U.S.C. 103(a) as being

unpatentable over "Surf Smart!",

[http://web.archive.org/web/20001018074520/http://cexx.org/gofaster.htm], published on

the Internet on 10/18/2000, pages 1-4 in view of "HistoryKill",

[http://web.archive.org/web/20000304120647/http://www.historykill.com/], published on

the Internet on 3/4/2000, pages 1-2 and Janis et al. (hereinafter "Janis"), US 5,155,850

patented 10/13/1992.

Regarding independent claims 1, 24, and 43, Surf Smart teaches receiving user input

and responsive to receiving the user input, disabling the history recording processes associated

with the browser page 3. Surf Smart does not teach wherein the user input is the entry of a

selected user identification. HistoryKill does teach wherein user input disabling recording

processes associated with a browser is the entry of selected user identification in page 1. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

have modified Surf Smart with the teaching of HistoryKill to have created the claimed invention.

It would have been obvious and desirable to have used the user identification of HistoryKill to

have personalized the disabling of history recording processes for each user of Surf Smart.

Surf Smart does not teach wherein an identified session is identified based on the selected

user identification. Janis does teach wherein an identified history recording session is identified

based on the selected user identification in the abstract, fig. 3, col. 2 lines 35-56, and col. 5 line

34 – col. 6 line 38. It would have been obvious and desirable to one of ordinary skill in the art at

the time of the invention to have incorporated the history recording inclusion and exclusion of

Janis to have improved Surf Smart so that only history recording desired by the user was saved

as is taught by Janis in col. 2 lines 24-56.

Regarding dependent claims 2 and 25, Surf Smart teaches wherein the user input is one

of a selection, of a button, a selection of a menu option, or setting of a preference in page 3.

Regarding dependent claims 3 and 26, Surf Smart teaches wherein the preference is to

disable the history recording processes when the browser is started in page 3.

Regarding dependent claims 4 and 27, Surf Smart teaches wherein the preference is to

disable the history recording processes when a selected Web site is visited in page 2. Surf Smart

teaches that cookies can be blocked from being recorded for specific Web sites and allowed for

other specific Web sites.

Regarding dependent claims 5 and 28, Surf Smart teaches wherein the history

recording processes includes at least one of a disk cache process, a history list process, a location

list process, and a cookie storage process in pages 2 and 3.

Regarding dependent claims 8 and 31, Surf Smart does not teach wherein the selected

user identification is a temporary user identification. HistoryKill teaches wherein user input

disabling recording processes associated with a browser is the entry of selected user

identification in page 1. Guest logins at the time of the invention were temporary user

identifications and used in controlled-access computer systems to prevent a temporary guest user

from altering the personal data of a permanent user. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have combined HistoryKill into

Surf Smart to have created the claimed invention. It would have been obvious and desirable to

have used a temporary user identification to have disabled the history recording processes so that

the temporary user did not alter the history data of the permanent user of the computer system.

Regarding dependent claims 9 and 32, Surf Smart teaches wherein the history

recording processes are those for a particular domain in page 2.

Regarding dependent claims 10 and 33, Surf Smart teaches wherein the disabling step

includes removing any history information recorded by the browser in pages 2 and 3.

Regarding independent claim 20, Surf Smart teaches software that runs on a computer

in pages 1-3 and a computer contains a bus system a communications unit connected to the bus

system, a memory connected to the bus system, and a processing unit connected to the bus

system. Surf Smart teaches receiving user input and responsive to receiving the user input,

disabling the history recording processes associated with the browser page 3. Surf Smart does

not teach wherein the user input is the entry of a selected user identification. HistoryKill does

teach wherein user input disabling recording processes associated with a browser is the entry of

selected user identification in page 1. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to have modified Surf Smart with the teaching of

HistoryKill to have created the claimed invention. It would have been obvious and desirable to

have used the user identification of HistoryKill to have personalized the disabling of history

recording processes for each user of Surf Smart.

Surf Smart does not teach wherein an identified session is identified based on the selected

user identification. Janis does teach wherein an identified history recording session is identified

based on the selected user identification in the abstract, fig. 3, col. 2 lines 35-56, and col. 5 line

34 – col. 6 line 38. It would have been obvious and desirable to one of ordinary skill in the art at

the time of the invention to have incorporated the history recording inclusion and exclusion of

Janis to have improved Surf Smart so that only history recording desired by the user was saved

as is taught by Janis in col. 2 lines 24-56.

Claims 18-19, 23, 41-42, and 46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over "HistoryKill",

[http://web.archive.org/web/20000304120647/http://www.historykill.com/], published on

the Internet on 3/4/2000, pages 1-2.

Regarding independent claims 18, 41, and 46, HistoryKill teaches responsive to a

selected event, discarding history information for a session on pages 1-2. HistoryKill teaches

accepting user input to display an identification of domains in which history information is

collected in pages 1-2. A cookie manager displays a list of domains and their related cookie

history information. A user can selectively remove the history information for each domain.

HistoryKill teaches wherein user input disabling recording processes associated with a browser is

the entry of selected user identification in page 1.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified HistoryKill to have created the claimed invention. It would have

been obvious and desirable to have used the selective domain identification contained in the Web

browser configuration to have improved the discarding of history information in response to a

selective event as taught by HistoryKill so that user could have only removed history information

for selected Web sites as is the purpose of selective cookie deleting in the cookie manager of a

Web browser. HistoryKill teaches in page 2 that the Auto-Clearing and Auto-Configure features

enable a user to avoid manually clearing history information after each session. The combination of teachings would have allowed certain domains of history information to be retained automatically while removing only specific history information.

Regarding dependent claims 19 and 42, HistoryKill teaches an Auto-Configure of browser preferences in page 2. The auto-configure can discard history information when the browser is terminated.

Regarding independent claim 23, HistoryKill teaches a software package which runs on a computer in pages 1-2. The computer must comprise a bus system, a communications unit connected to the bus system, and a memory connected to the bus system, wherein the memory includes a set of instructions. HistoryKill teaches responsive to a selected event, discarding history information for a session on pages 1-2. HistoryKill teaches accepting user input to display an identification of domains in which history information is collected in pages 1-2. HistoryKill teaches wherein user input disabling recording processes associated with a browser is the entry of selected user identification in page 1. A cookie manager displays a list of domains and their related cookie history information. A user can selectively remove the history information for each domain.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified HistoryKill to have created the claimed invention. It would have been obvious and desirable to have used the selective domain identification contained in the Web browser configuration to have improved the discarding of history information in response to a selective event as taught by HistoryKill so that user could have only removed history information for selected Web sites as is the purpose of selective cookie deleting in the cookie manager of a

Web browser. HistoryKill teaches in page 2 that the Auto-Clearing and Auto-Configure features

enable a user to avoid manually clearing history information after each session. The

combination of teachings would have allowed certain domains of history information to be

retained automatically while removing only specific history information.

Claims 16-17, 22, 39-40, and 45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over "HistoryKill",

[http://web.archive.org/web/20000304120647/http://www.historykill.com/], published on

the Internet on 3/4/2000, pages 1-2 in view of Janis et al. (hereinafter "Janis"), US 5,155,850

patented 10/13/1992.

Regarding independent claims 16, 39, and 45, HistoryKill teaches responsive to a

selected event, discarding history information for a session on pages 1-2. HistoryKill teaches

accepting user input to indicate whether history information should be discarded for the session

or not in pages 1-2. HistoryKill teaches wherein user input disabling recording processes

associated with a browser is the entry of selected user identification in page 1. HistoryKill

teaches wherein an identified session is identified based on a selected user identification in page

1. HistoryKill shows in the figure on page 1 that a user must be identified in order to "kill" the

history for the session associated with that user. HistoryKill does not teach receiving user input

selecting a session from the identification of sessions and discarding history information for the

session.

Janis does teach wherein an identified history recording session is identified based on the

selected user identification in the abstract, fig. 3, col. 2 lines 35-56, and col. 5 line 34 – col. 6

line 38. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined HistoryKill and Janis to have accepted user input to identify a

session in response to a selected event so that the user could have sometimes discarded history

information and other times retained history information. HistoryKill teaches in page 1 that user

input can discard selective history information and retain other history information, thus teaching

that a user may not always wish to discard all history information. Therefore, the preference of

user to not always remove history information, or not remove all history information would have

motivated this modification. It would have been obvious and desirable to one of ordinary skill in

the art at the time of the invention to have incorporated the history recording inclusion and

exclusion of Janis to have improved HistoryKill so that only history recording desired by the

user was saved as is taught by Janis in col. 2 lines 24-56. This improvement to HistoryKill using

the teachings of Janis would have recorded history during certain timed sessions as is taught by

Janis and would have recorded history based on user identification as taught by HistoryKill.

Regarding dependent claims 17 and 40, HistoryKill teaches an Auto-Configure of

browser preferences in page 2. The auto-configure can discard history information when the

browser is terminated.

Regarding independent claim 22, HistoryKill teaches a software package which runs on

a computer in pages 1-2. The computer must comprise a bus system, a communications unit

connected to the bus system, and a memory connected to the bus system, wherein the memory

includes a set of instructions. HistoryKill teaches responsive to a selected event, discarding

history information for a session on pages 1-2. HistoryKill teaches accepting user input to

indicate whether history information should be discarded for the session or not in pages 1-2.

HistoryKill teaches wherein user input disabling recording processes associated with a browser is

the entry of selected user identification in page 1.   HistoryKill teaches wherein an identified

session is identified based on a selected user identification in page 1. HistoryKill shows in the

figure on page 1 that a user must be identified in order to "kill" the history for the session

associated with that user. HistoryKill does not teach receiving user input selecting a session

from the identification of sessions and discarding history information for the session.

Janis does teach wherein an identified history recording session is identified based on the

selected user identification in the abstract, fig. 3, col. 2 lines 35-56, and col. 5 line 34 – col. 6

line 38. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined HistoryKill and Janis to have accepted user input to identify a

session in response to a selected event so that the user could have sometimes discarded history

information and other times retained history information. HistoryKill teaches in page 1 that user

input can discard selective history information and retain other history information, thus teaching

that a user may not always wish to discard all history information. Therefore, the preference of

user to not always remove history information, or not remove all history information would have

motivated this modification. It would have been obvious and desirable to one of ordinary skill in

the art at the time of the invention to have incorporated the history recording inclusion and

exclusion of Janis to have improved HistoryKill so that only history recording desired by the

user was saved as is taught by Janis in col. 2 lines 24-56. This improvement to HistoryKill using

the teachings of Janis would have recorded history during certain timed sessions as is taught by

Janis and would have recorded history based on user identification as taught by HistoryKill.

(10) Response to Argument

Regarding Appellant's arguments in pages 12-15 that Surf Smart, HistoryKill, and Janis

do not teach or suggest all of the limitations of claims 1-5, 8-10, 20, 24-28, 31-33, and 43, the

Examiner respectfully disagrees. Surf Smart was a web page published to provide tips to other

web users about the dangers to their privacy. Surf smart provides techniques to disable histories

for domain specific information such as cookies and to clear or disable browsing history. The

existence of the Surf Smart web page is evidence that prior to the invention people were

attempting to secure and control the history information in their web browsers and were

collaborating publicly on techniques to achieve this security and privacy. HistoryKill was a

software tool designed specifically to help web users maintain their history privacy. HistoryKill

provides history manipulation services individualized to each user as shown in the screen capture

on page one. The history information for one user could be manipulated or cleared while the

history information for another user is left untouched. Janis provides teachings nine years prior

to the claimed invention that teach one of ordinary skill in the art the benefit of maintaining a

time selective history log. The teaching of a time selective history log empowers a user to

maintain a history for certain time sessions while discarding history information for other time

sessions. All three of these references provide related teachings to one of ordinary skill in the art

and simply provide different angles and tools for attacking the same problem, which is

manipulate a history log. It is the Examiner's opinion that one of ordinary skill in the art would

have been aware of the teachings and advantages of each of these prior art references,

particularly in light of a reference like Surf Smart, which specifically aims to spread the

knowledge of history manipulation and deletion techniques to improve web users' privacy and security.

Each of the cited references provides complementary teachings which in combination teach and suggest all of the limitations of the invention as presented in claims 1-5, 8-10, 20, 24-28, 31-33, and 43. Surf Smart teaches receiving user input and responsive to the user input, disabling history recording processes associated with the browser according to the user input in pages 3 and 4. Surf Smart does not teach that the user input is the entry of a selected user identification. HistoryKill does provide this missing teaching in page 1. In the screen capture figure on page 1, it is plainly shown that user identification input is accepted so that the history session for the appropriate user may be disabled or manipulated. Therefore, HistoryKill does teach that a user identified session may have it's history recording processes disabled since the session under the broadest reasonable interpretation of the claim can be a user browsing session. The browser keeps an individual history for each identified user. Therefore, if the user history is disabled for a hypothetical user "A", the history session when a second hypothetical user "B" uses the web browser would consequently not be disabled using the user identification teaching of HistoryKill. Janis teaches one of ordinary skill in the art at the time of the invention that history recording can be divided into time intervals, thus creating individual history sessions based on time. Therefore, the Examiner believes the combination of Surf Smart, HistoryKill, and Janis teaches and suggests every limitation of the invention of claims 1-5, 8-10, 20, 24-28, 31-33, and 43 and believes the rejection of these claims should be accordingly sustained.

Regarding Appellant's arguments in pages 16-18 that HistoryKill does not teach or

suggest all of the limitations of claims 18-19, 23, 41-42, and 46, the Examiner respectfully

disagrees. HistoryKill is a software tool designed to enhance web browser history management

to improve the privacy and security of web users. A cookie manager is a built in function of web

browsers to allow a user to selectively delete cookie history information from the web browser

history for selected domains such as individual websites. Therefore, it is not just an irrelevant

fact that a cookie manager can be used to selectively remove cookie information as Appellant

states, but rather it is a tool of the web browser which HistoryKill enhances and furthermore it is

not only a part of the web browser, but more specifically it is a part of the web browser's built in

history management capabilities. Thus, since HistoryKill is an enhancement of a web browser,

the features already existing in the web browser are known to HistoryKill. HistoryKill is meant

to further improve upon the privacy and security tools of the web browser. HistoryKill also

shows in the screen capture on page 1 that cookie information can be selectively deleted. Thus,

HistoryKill has the suggestion to individually delete cookie history information for selected

domains from the web browser which it enhances. With this suggestion, the Examiner believes

HistoryKill provides an obvious teaching of the selective deletion of history information for

particular domains. Thus, the Examiner maintains the assertion that HistoryKill teaches and

suggestions all the limitations of the invention as presented in claims 18-19, 23, 41-42, and 46

and believes the rejection of these claims should be accordingly sustained.

Regarding Appellant's arguments in page 18 that HistoryKill does not teach or suggest

all of the limitations of claims 16, 17, 22, 39, 40, and 45, the Examiner respectfully disagrees.

The Examiner has clarified the rejection of these claims to properly indicate that Janis teaches a

selective time for history recording. The Examiner believes HistoryKill does teach accepting

user identification input as shown in the screen capture on page 1. This user identification input

directs HistoryKill to manipulate or delete history information from different history logs based

on the identification of the user. The history recording of a hypothetical user "A" would be

recorded in a separate individual history log than that of a hypothetical user "B". The log

corresponding to user A would be filled with history information only during a browsing session

of user A, whereas a history log corresponding to user B would be filled with history information

only during a browsing session of user B. Thus, the Examiner believes the user identification

input of HistoryKill does identify the session of the history because the user identification input

accepted by HistoryKill determines what user's browsing session history is manipulated or

deleted. Therefore, the Examiner maintains the assertion that the combination of HistoryKill and

Janis teaches and suggests all of the limitations of the invention of claims 16, 17, 22, 39, 40, and

45 and believes the rejection of these claims should be accordingly sustained.
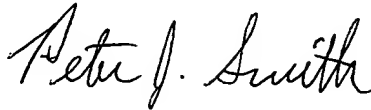

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

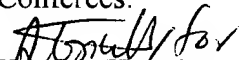For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
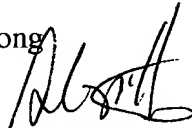
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